EVIDENCE—ADMISSIONS OF A TRUSTEE AGAINST THE CESTUI QUE TRUST.—In a contest between attaching creditors and a mortgagee to secure the property of the debtor, evidence was introduced that the trustee of the mortgagee had admitted, in a conversation some time after taking the mortgage, that at the time of taking it he had knowledge that the attachment proceedings were already begun. *Held,* that the trustee under the mortgage, himself a party to the action, was not authorized to make admissions in derogation of the trust. *First Nat. Bank of Peoria et al.* v. *Farmers' and Merchants' Nat. Bank of Wabash et al.* (1908), — Ind. —, 84 N. E. 1077, reversing the decision of the Appellate Court, 82 N. E. 1013.

The old English rule was that the admissions of a trustee, provided he was a party to the record, might be introduced against the *cestui que* trust. 2 STARKIE ON EVIDENCE, 40; *Craib* v. *D'Aeth,* 7 T. R. 670 note; *Bauerman* v. *Radenius,* Id. 663. Moreover, there is some American authority for the doctrine that a trustee's admissions are competent evidence. Wigmore (EVIDENCE, § 1076) says that the admissions of the trustee "should be receivable." In *Beatty* v. *Davis,* 9 Gill. 211, an early Maryland case, it was held that the admissions of a party to the record are evidence, although he stands in the attitude of a trustee. In *Helm* v. *Steele, 22* Tenn. 472, the admissions of a trustee, liable for costs in the suit, were received in evidence, the court saying that it could not be presumed that the trustee would make admissions adverse to the interest of the *cestui que* trust. The present case, however, would seem to be based on the better reasoning. A trustee holding the bare legal title has no beneficial interest and cannot be affected by any decision in regard to the property which he holds. Hence it would seem that he should not be empowered to admit the rights of his *cestui que* trust away. The doctrine of the present case is supported by the great majority of the American decisions. 1 ELLIOTT, EVIDENCE, § 262; *Graham* v. *Lockhart,* 8 Ala. 9; *Thompson* v. *Drake,* 32 Ala. 99; *Fargason* v. *Edrington,* 49 Ark. 207; *Eitelgeorge* v. *The Mutual House Building Association,* 69 Mo. 52; *Thomas* v. *Bowman,* 29 Ill. 426; *Reed* v. *Beardsley,* 6 Neb. 493; *Caldwell's Ex'r.* v. *Prindle's Adm'r.,* 19 W. Va. 604.

EVIDENCE—JUDICIAL NOTICE OF FOREIGN LAW.—In a suit arising from a dispute as to the ownership of church property, and the status of the Roman Catholic Church in Porto Rico, *held,* that the Federal Supreme Court will take judicial notice of the law of Spain so far as it affected the insular possessions of the United States. *Municipality of Ponce, Appt.,* v. *Roman Catholic Apostolic Church in Porto Rico* (1908), 210 U. S. 296, 28 Sup. Ct. 737.

The general rule is well established that a court will not take judicial notice of foreign law. WIGMORE, EVIDENCE, § 2573; *Dainese* v. *Hale,* 91 U. S. 13; *Liverpool Steam Co.* v. *Phenix Ins. Co.,* 129 U. S. 397. Previous cases, however, have announced the exception which the present case follows. In *United States* v. *Philadelphia and New Orleans,* 52 U. S. (11 How.) 609; *United States* v. *Turner,* Id. 663; *Malpica* v. *McKown,* 1 La. 248; *Doe ex. dem. Farmer's Heirs* v. *Eslava,* 11 Ala. 1028, and *Ott* v.